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| 10/501,648 | 07/15/2004 | Sebastian Aramburu Echeverria | 217/1/059 | 5130 |

7590 07/27/2005

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| EXAMINER |
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GARRETT, ERIKA P

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| ART UNIT | PAPER NUMBER |
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3636

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,648

Applicant(s)ARAMBURU ECHEVERRIA,
SEBASTIAN**Examiner**

Erika Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Preliminary amendment filed on 7/15/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/15/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the support tray, lever, ground surface, motor and arrangement" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because in figure 1, element 16 appears to have another element extending from it. It is unclear to what that element is. Corrected

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drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the phrase "on ground surface", is

unclear and confusing to what the ground surface is? Is it referring to the floor or the bottom of the chair?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4,9 and 11-12 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Sheehan (5,603,551). Sheehan discloses the use of a reclining chair (10) comprising a seat (11), a backrest (12) secured to the seat, a support leg (14) for supporting the seat and the backrest on a ground surface; and an arrangement (13) for tilting the seat to a relaxation position, an arrangement including a first body (23) joined to the support leg, the first body two sides (left and right, figures 5-6) parallel with each other, each of the parallel sides having at least two slots (23b,21a) therein, the slots not being parallel with each other; a second body (27) joined to the seat and backrest of the armchair, the second body having two sides parallel with each other and parallel with the parallel sides of the first body, each of the parallel sides of the second body having at least two slots (22a,21b) which are not parallel with each other; and the slots of the first body being in at least partial alignment with the slots of the second body; and a shaft (27a) crossing each pair of aligned slots, of the first and second bodies, so that articulation movement of the seat in respect of the support leg

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simultaneously provides a displacement of a geometrical center of the seat for maintaining a center of gravity of the sat with a person in a centered position. In regards to claim 4, further comprising a footrest (not shown, column 2) secured to the seat, the footrest being height adjustable. In regards to claim 9, further comprising a lever (15) for operating the reclining movement. In regards to claim 11, wherein the shafts are moveable, and are kept at a fixed distance relative to each other, by at least one rod (28a) connecting the shafts. In regards to claim 12, wherein the support leg is not height adjustable.

Claims 1,4-5,9 and 11-12 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Knabusch (5,865,457). Knabusch discloses the use of a reclining chair (20) comprising a seat (30), a backrest (32) secured to the seat, a support leg (46) for supporting the seat and the backrest on a ground surface; and an arrangement (24) for tilting the seat to a relaxation position, an arrangement including a first body (86) joined to the support leg, the first body two sides (100) parallel with each other, each of the parallel sides having at least two slots therein, the slots not being parallel with each other; a second body (84) joined to the seat and backrest of the armchair, the second body having two sides parallel with each other and parallel with the parallel sides of the first body, each of the parallel sides of the second body having at least two slots (106,112) which are not parallel with each other; and the slots of the first body being in at least partial alignment with the slots of the second body; and a shaft (76) crossing each pair of aligned slots, of the first and second bodies, so that articulation movement of the seat in respect of the support leg simultaneously provides

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a displacement of a geometrical center of the seat for maintaining a center of gravity of the seat with a person in a centered position. In regards to claim 4, further comprising a footrest (26) secured to the seat, the footrest being height adjustable. In regards to claim 5, further comprising height adjustable armrest (420) secured to at least one of the seat and the backrest. In regards to claim 9, further comprising a lever (figure 1a) for operating the reclining movement. In regards to claim 11, wherein the shafts are moveable, and are kept at a fixed distance relative to each other, by at least one rod connecting the shafts. In regards to claim 12, wherein the support leg is not height adjustable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheehan in view of Volkle (5,354,120). Sheehan shows the use of all the claimed invention but fails to show the use of a rack and pinion. Volkle teaches the use of a rack (211) and pinion (221). It would have been obvious to one of ordinary skill in the art at the time of invention to modify to use the rack and pinion to recline the chair as taught by Volkle, in order for the chair to be held in a desired position for the occupant use.

Claims 6-8 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheehan in view of Taggett (6,450,578). Sheehan shows the use of all the claimed invention but fails to show the use of a support tray, including movable by lateral articulation. Taggett teaches the use of a support tray (90), including movable by lateral articulation. It would have been obvious to one of ordinary skill in the art at the time of invention to modify to use the rack and pinion to recline the chair as taught by Volkle, in order for the occupant use items for example a keyboard, notepad, etc.

Claim 10 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheehan in view of Koerlin (6,450,581). Sheehan shows the use of all the claimed invention but fails to show the use of a motor. Koerlin teaches the use of a motor (90). It would have been obvious to one of ordinary skill in the art at the time of invention to modify to use the rack and pinion to recline the chair as taught by Koerlin, in order the occupant to recline the seat.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to reclining chair: U.S Pat. No. US006578915B2, US006022071A, US006059367A, US005129701A, US006641214B2, US005860701A, US005333368A, 5660439, 4779921 and 4880273.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika Garrett whose telephone number is 571-272-6859.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EG
July 22, 2005


RODNEY B. WHITE
PRIMARY EXAMINER